

**From:** Val Gurvits  
**To:** Jeffrey Freeman; evan@cfwlegal.com; "John Hubert"; Goddard, Mark B.; Liz Shepherd; "Mayer, Marc"; "Joshua Salley"; "Mikahlia Lawrence"; "Pamela Sandford"; "Thomas Barrow"; "Shellie Fischer"; "Joseph Rahimi"; "Kathy Kennedy"; jcluverius@nexsenpruet.com; gclose@nexsenpruet.com; wes@wesleyfew.com; cassy@wesleyfew.com; cooper.ellenberg@gmail.com; hellenberg@consumerprotection.net; "Carter, J. Kenneth"; "Behnke, Lindsey M"; "Bowman, Theresa"; "Steinberg, David"; "Melara, Suguey"; Frank Scardino; hmetcalfe@malawfirmsc.com; Tyler Thompson; Jordan Stanton; "J Edward Bell"; bbull@ncose.com; dpinter@ncoselaw.org; cprice@ncoselaw.org; pgentalala@ncoselaw.org; Casonya Ritchie  
**Subject:** RE: Does v Murphy et al. - Deposition Notices  
**Date:** Tuesday, October 10, 2023 6:24:29 AM  
**Attachments:** [image001.png](#), [Wisebits IPs Objections and Responses to Plaintiffs' 30\(b\)\(6\) notice 10-10-23.pdf](#), [TrafficStars' Objections and Responses to Plaintiffs' 30\(b\)\(6\) notice 10-10-23.pdf](#)

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Counsel,

Please see the attached Wisebits IP, Ltd and TrafficStars Ltd. Objections and Responses to Plaintiffs' 30(b)(6) notices.

Please let us know if the October 16/18 dates are good for these depos.

Best regards,

Val Gurvits  
 Boston Law Group, PC  
 825 Beacon Street, Suite 20  
 Newton Centre, MA 02459 USA  
 Direct: [\(617\) 928-1804](#)  
 Tel: [\(617\) 928-1800](#)  
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**From:** Val Gurvits  
**Sent:** Monday, October 9, 2023 1:07 PM  
**To:** Jeffrey Freeman <jfreeman@kytrial.com>; evan@cfwlegal.com; 'John Hubert' <jhubert@rhp-law.com>; 'Goddard, Mark B.' <MGoddard@TurnerPadget.com>; Liz Shepherd <lsherpherd@kytrial.com>; 'Mayer, Marc' <marc.mayer@msk.com>; 'Joshua Salley' <JSalley@belllegalgroup.com>; 'Mikahlia Lawrence' <mlawrence@belllegalgroup.com>; 'Pamela Sandford' <PSanford@hallboothsmith.com>; 'Thomas Barrow' <TBarrow@hallboothsmith.com>;

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**Subject:** RE: Does v Murphy et al. - Deposition Notices

Counsel,

Please see the attached Hammy Media's Objection and Responses to Plaintiffs' 30(b)(6) notice for October 17, 2023.

I also confirm that the deponent speaks English and will not need an interpreter.

Lastly, because the deponent is in Cyprus, which is 7 hours ahead, he will not be able to appear for a deposition before 7:00 am Cyprus time which is 2:00 pm East Coast time.

Best regards,

Val Gurvits

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825 Beacon Street, Suite 20 | Newton Centre, MA 02459

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**From:** Jeffrey Freeman <[jfreeman@kytrial.com](mailto:jfreeman@kytrial.com)>

**Sent:** Thursday, October 5, 2023 10:09 AM

**To:** [evan@cfwlegal.com](mailto:evan@cfwlegal.com); 'John Hubert' <[jhubert@rhp-law.com](mailto:jhubert@rhp-law.com)>; 'Goddard, Mark B.' <[MGoddard@TurnerPadget.com](mailto:MGoddard@TurnerPadget.com)>; Liz Shepherd <[lshepherd@kytrial.com](mailto:lshepherd@kytrial.com)>; 'Mayer, Marc' <[marc.mayer@msk.com](mailto:marc.mayer@msk.com)>; 'Joshua Salley' <[JSalley@belllegalgroup.com](mailto:JSalley@belllegalgroup.com)>; 'Mikahlia Lawrence'

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**Subject:** Does v Murphy et al. - Deposition Notices

Attached are deposition notices for Defendants Hammy Media Ltd., Trafficstars Ltd., Mindgeek S.a.r.l., and Wisebits IP Ltd. These will obviously require prompt discussion.

Thank you.

Jeffrey L. Freeman  
Dolt, Thompson, Shepherd & Conway, PSC  
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October 10, 2023

**VIA E-MAIL ONLY (JEB@EDBELLAW.COM, JSALLEY@EDBELLAW.COM,  
JFREEMAN@KYTRIAL.COM, TTHOMPSON@KYTRIAL.COM, LSHEPHERD@KYTRIAL.COM,  
JSTANTON@KYTRIAL.COM)**

J. Edward Bell, Esq.  
Bell Legal Group  
219 North Ridge  
Street Georgetown,  
SC 29440

**Re: Notice of Deposition of Wisebits IP, Ltd.**

Dear Counsel:

We write in response to Plaintiffs' Notice of 30(b)(5) and 30(b)(6) Deposition, which we received on October 5, 2023 (and which is incorrectly dated October 20, 2021). Preliminarily, we have to note our surprise that you provided this notice on October 5, the Thursday before a holiday weekend, less than two weeks from the dates we had discussed for the taking of this deposition. Nevertheless, we will endeavor to respond to your new categories, below. We note as a global response that we reject your contention that the "relevant time period" is from 2012 to the present. The videos in question were uploaded to the xHamster website in 2019 and removed in the same year and (except in limited circumstances noted herein), the proper timeframe is 2019 and that is what we expect our witness to testify about.

Finally, your deposition notice is to Wisebits IP, Ltd. and the witness will speak to information possessed by Wisebits IP, Ltd. and not other companies.

Turning, then, to the specific categories listed in your Notice:

**Topic 1:**

The ownership and control structure (including organizational chart) of Wisebits; particularly any common ownership or officers or controlling shareholders of Wisebits with any other Defendant or former Defendant in this case, during the relevant time period; as well as parent companies, subsidiaries, controlling shareholders, and affiliates.

**Objections and Response.** This topic is wildly overbroad. And, in particular, your attempts to take discovery concerning already-dismissed parties is improper. Notwithstanding the foregoing

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objections, Wisebits IP Ltd will provide a witness to testify concerning the overall corporate structure of Wisebits IP, Ltd., its general leadership structure, and the relationship between Wisebits IP and related companies to which Wisebits IP provides services.

**Topic 2:**

All entities, domains, brands, companies, parents, subsidiaries and/or affiliates through which Wisebits IP is linked through common ownership, shareholder interest, management, revenue or profit sharing, or advertising agreement, during the relevant time period.

Objections and Response. This topic is wildly overbroad. Notwithstanding the foregoing objections, Wisebits IP Ltd will provide a witness to testify concerning the overall corporate structure of Wisebits IP, Ltd., its general leadership structure, and the relationship between Wisebits IP and related companies to which Wisebits IP provides services.

**Topic 3:**

All services by which Wisebits generates revenues and profit for, by, from, or through xHamster.com and/or Hammy Media, along with the financial statements for Wisebits during the relevant time period. This topic would include explanation of items contained in the relevant financial statements.

Objections and Response. This topic is overbroad and unduly burdensome. Wisebits IP will provide a witness to testify generally as to how Wisebits IP generates income.

**Topic 4:**

Identify all companies, brands, domains, and/or other publicly accessible internet platforms in which Wisebits holds an ownership interest, during the relevant time period.

Objections and Response. This topic is overbroad and seeks irrelevant and disproportionate information and testimony. It is hard to see how this topic relates in any way to Plaintiffs' claims in this litigation. Notwithstanding the foregoing objections, Wisebits IP Ltd will provide a witness to testify concerning the overall corporate structure of Wisebits IP, Ltd., its general leadership structure.

**Topic 5:**

The relationship between Wisebits and Hammy Media as it relates to the operation of adult entertainment websites, particularly xHamster.com., during the relevant time period.

Objections and Response: Wisebits IP will provide a witness to testify as to the relationship between Wisebits and Hammy Media as it relates to the operation of the xHamster.com website.

**Topic 6:**

Ownership, control or interaction with the content delivery network for Hammy Media, including the locations of all CDN or cache servers that are used in the process of relaying, transmitting, accessing, archiving, or otherwise storing or facilitating the delivery of content for any Hammy Media brand or affiliate, during the relevant time period.

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Objections and Response: This topic is overbroad and seeks information that is irrelevant and not proportionate to the needs of the case. In addition, this information has been provided previously in affidavits filed in this case. Notwithstanding these objections, to the extent that Wisebits IP has any information responsive to this category, Wisebits IP will provide a witness to testify as to the location of all CDN or cache servers utilized for the xHamster.com website from 2019 to the present.

**Topic 7:** List all intellectual property rights owned or administered by Wisebits that involve provision of adult entertainment content over the internet

Objections and Response: This topic is overbroad, ambiguous, seeks irrelevant and disproportional information and testimony. There is nothing about this category that is related to any of Plaintiffs' claims in this case. Notwithstanding these objections, Wisebits IP will provide a witness to testify generally about the Intellectual Property rights that it owns and/or maintains with respect to the xHamster.com website.

**Topic 8:**

Describe all policies, procedures, or operations used to monitor the use of intellectual property rights held or administered through or by Wisebits to ensure compliance with applicable laws and regulations of locations where the intellectual property may be used or accessed.

Objections and Response: This topic is overbroad, ambiguous, seeks irrelevant and disproportional information and testimony. There is nothing about this category that is related to any of Plaintiffs' claims in this case. Notwithstanding these objections, Wisebits IP will provide a witness to testify generally about the methods in which it protects the Intellectual Property rights that it owns and/or maintains with respect to the xHamster.com website.

**Topic 9:**

Any and all means by which Wisebits promotes, markets, or contributes to the promotion or marketing of any adult entertainment website or brand, including xHamster.com.

Objections and Response: This topic is overbroad, ambiguous, seeks irrelevant and disproportional information and testimony. There is nothing about this category that is related to any of Plaintiffs' claims in this case. Notwithstanding these objections, to the extent that Wisebits IP has any information responsive to this category, it will provide a witness to testify to any such actions in connection with the xHamster.com website.

**Topic 10:**

Describe any connection, through common ownership, control, management, controlling stockholder interest or contract, between Wisebits and Trafficstars LTD.

Objections and Response. This topic is wildly overbroad. Notwithstanding the foregoing objections, Wisebits IP Ltd will provide a witness to testify in general as to any contract as between Wisebits IP and Trafficstars LTD that relates to xHamster.com.

J. Edward Bell, Esq.  
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Page 4

**Topic 11:**

Any holdings by Wisebits that have offices or places of business within the United States.

Objections and Response: This topic is ambiguous given the phrase “holdings by Wisebits.” To the extent that Wisebits IP understands this topic, it will provide a witness to testify as to any offices or places of business that it has within the United States, if any.

**Topic 12:**

Identify any shared management between Wisebits and Hammy Media during the relevant time period.

Objections and Response: This topic seeks irrelevant information and testimony. Notwithstanding this objection, Wisebits IP will provide a witness to testify generally about any shared management between Wisebits and Hammy Media in 2019.

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We are prepared to discuss these issues with you by telephone or video conference. If you would like to do so, please let us know.

To the extent that we are unable to agree about the scope of the testimony to be provided – and given that we have agreed to conduct the Wisebits IP deposition in the October 16-18 range – we would suggest that the deposition proceed as scheduled; that you ask the questions of the witness(es) that you want to ask; and that, if you believe that there are relevant topics covered in your 30(b)(6) notice for which the witness was unable to provide testimony, that we address those issues with the Court (if necessary) at that time. This would seem to have the added advantage that we will be able to limit our need to involve the Court to areas in which there proved to be actual disagreements as opposed to theoretical disagreements.

Sincerely,



Val Gurvits  
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*for Defendant Wisebits IP, Ltd*